

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JONATHAN ELLIOT, Individually and on Behalf of
All Others Persons Similarly Situated,

Plaintiffs,

Case No. 07 Civ. 6078 (DC)(AJP)

-against-

ALLSTATE INVESTIGATIONS, INC,
GEORGE CAMPOS, PATRICK A. BOMBINO
And JOHN DOES 1-10, Jointly and Severally,

NOTICE OF MOTION

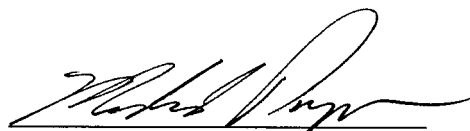
Defendants.

PLEASE TAKE NOTICE that, upon the Declaration of Michael P. Pappas dated November 13, 2007, Littler Mendelson, P.C., counsel for defendants Allstate Investigations, Inc., George Campos, and Patrick A. Bombino ("Defendants"), will move this Court at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, 10007, before the Hon. Denise Cote, on December 7, 2007, at 9:30 a.m. or as soon thereafter as counsel may be heard, for an order pursuant to Rule 1.4 of the Local Civil Rules of this Court permitting Littler Mendelson to withdraw as counsel for Defendants.

Date: New York, New York
November 13, 2007

LITTLER MENDELSON, P.C.

By:



Michael P. Pappas (MP 6716)
Attorneys for Defendants
885 Third Avenue
New York, New York 10022
(212)583-9600

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**DECLARATION OF MICHAEL P.
PAPPAS**

Defendants.

Michael Pappas, Esq., declares that the following is true and correct under penalty of perjury:

1. I am a Shareholder with Littler Mendelson, P.C., counsel for defendants Allstate Investigations, Inc., George Campos, and Patrick Bombino ("Defendants") in the above-captioned action. I am the attorney of record and I am duly admitted to practice law in the State of New York and before this Court.

2. On June 27, 2007, plaintiff filed a complaint in this action alleging that Defendants violated his rights under the Fair Labor Standards Act and that he is entitled to recover for damages he claims to have suffered as a consequence of these violations.

3. On September 7, 2007, our office, on behalf of Defendants, responded to plaintiff's complaint and filed the answer.

4. On September 11, 2007, our office forwarded to Defendant Patrick Bombino, the President/CEO of Defendant Allstate Investigations & Security, the firm's standard engagement agreement. Mr. Bombino was required to execute this agreement and forward it to our office along with a retainer check in the amount of \$10,000. To date, our office has received

no response to either of these basic requests. Therefore, we are unable to continue our representation of Defendants.

5. On October 12, 2007, the Court held an initial pre-trial conference for the purpose of establishing deadlines for motion practice and discovery.

6. On November 8, 2007, having received no response from Defendants regarding the agreement and retainer check, our office sent Defendants a letter informing them of the firm's intention to withdraw as their counsel.

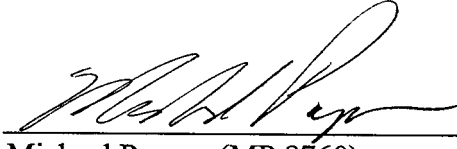
7. Defendants' failure to execute an engagement agreement and pay their legal fees are sufficient grounds for being relieved as counsel. Fischer v. Biman Bangladesh Airlines, 1997 U.S. Dist. LEXIS 10405 (S.D.N.Y. 1997); Emile v. Browner, 1996 U.S. Dist. LEXIS 18654 (S.D.N.Y. 1996) ("When a client fails to pay legal fees, [or] fails to communicate or cooperate with the attorney,...these are more than sufficient reasons for counsel to be relieved."); Oscar de la Renta Ltd. v. Strelitz Ltd., 1993 U.S. Dist. LEXIS 7572 (S.D.N.Y. 1993) ("Counsel may withdraw if his or her client fails to pay legal fees or if the client fails to communicate or cooperate with their attorney.").

8. This action is in its very early stages, and Littler Mendelson's withdrawal will not prejudice any of the parties.

9. For the foregoing reasons, I respectfully request that Littler Mendelson's motion to withdraw as counsel pursuant to Local Rule 1.4 of this Court be granted.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
November 13, 2007


Michael Pappas (MP 8760)